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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | | |
|---------------------------|------------------------------|------------------------|---------------------|------------------|--|--|
| 10/562,953 | 12/30/2005 | Stefan G. Pierzynowski | CU-4618 BWH | 8692 | | |
| 26530 | 7590 | 07/09/2009 | EXAMINER | | | |
| LADAS & PARRY LLP | BLAKELY III, NELSON CLARENCE | | | | | |
| 224 SOUTH MICHIGAN AVENUE | ART UNIT | | PAPER NUMBER | | | |
| SUITE 1600 | 1614 | | | | | |
| CHICAGO, IL 60604 | | | | | | |
| MAIL DATE | | DELIVERY MODE | | | | |
| 07/09/2009 | | PAPER | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10562953 | 12/30/2005 | PIERZYNOWSKI ET AL. | CU-4618 BWH |

EXAMINER

NELSON C. BLAKELY III

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| ART UNIT | PAPER |
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1614 20090708

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed 04/17/2009 is not fully responsive to the prior Office Action for the following omission(s) or matter(s):

In the Amendment filed 10/31/2008, Applicant canceled claims 1-6, withdrew claims 7-28 and presented subject matter in new claims 29-39, limited to a method for preventing, alleviating or treating malnutrition in a vertebrate. In the interest of advancing prosecution, the Examiner considered newly added claims 29-39, the only claims presented by Applicant. However, in the Amendment filed 04/17/2009, claims 29-39 are amended to non-elected subject matter drawn to a method of treatment for improving the absorption of amino acids in a vertebrate. Because Applicant amended the instant claims to non-elected subject matter, the instant Amendment is non-responsive. (MPEP § 821.03)

Since the above-mentioned Amendment appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to NELSON C. BLAKELY III whose telephone number is (571) 270-3290. The Examiner can normally be reached on Mon-Thur, 7 am - 5:30 pm (EST).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ardin H. Marschel, can be reached at (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

/NELSON C BLAKELY III/
Examiner, Art Unit 1614

/Phyllis G. Spivack/
Primary Examiner, Art Unit 1614
July 8, 2009